

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WENDELL W. PHILLIPS,

Plaintiff,

v.

LANSING SCHOOL DISTRICT and
LAURENCE W. McQUEEN,

Defendants.

Case No. 5:03-cv-34

Hon. Wendell A. Miles

ORDER

This matter is before the court on Plaintiff's Motion for Reconsideration, brought pursuant to Federal Rule of Civil Procedure 60(b)(3), (4), (5) and (6). The court denies the motion.

This is Plaintiff's third motion for reconsideration, along with one motion to set aside judgment, all of which have been denied on the basis of the Rooker-Feldman doctrine. Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923) and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983). Plaintiff argues that the state court judgment regarding his alleged wrongful discharge and unfair labor practices claims is not valid. However, the law is well established that lower federal courts do not have jurisdiction to review and determine the validity of state court judgments, even if the plaintiff alleges that the state court's action was unconstitutional. Feldman at 486. Even assuming Plaintiff could overcome the Rooker-Feldman hurdle, his claims would be barred by the doctrine of res judicata. Under the doctrine, a final judgment on the merits is an absolute bar to a subsequent action between the same parties or

their privies based upon the same claims or causes of action. Kane v. Magna Mixer Co., 71 F.3d 555, 560 (6th Cir.1995). The doctrine precludes re-litigation of claims actually litigated as well as claims that could have been litigated. Richards v. Jefferson County, 517 U.S. 793, 797 n. 4, 116 S.Ct. 1761, 135 L.Ed.2d 76 (1996); Heyliger v. State Univ. and Cmty. Coll. Sys. of Tenn., 126 F.3d 849, 852 (6th Cir.1997). Although Plaintiff argues that the instant case asserts claims under federal law, it arises from the same factual allegations presented in state court.

For the foregoing reasons, the court DENIES the Plaintiff's Motion for Reconsideration (dkt. #43).

So ordered this 11th day of July, 2007.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge